

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CIVIL ACTION NO: 03-12307RGS

JOSEPH CHRISTOFORO
Plaintiff,

v.

JULIO LUPO, FRANK G. COUSINS, JR.
INDIVIDUALLY AND IN HIS CAPACITY
AS ESSEX COUNTY SHERIFF AND
CERTAIN UNKNOWN INDIVIDUALS
Defendants

DEFENDANT, SHERIFF FRANK G. COUSINS' MOTION FOR SUMMARY
JUDGMENT PURSUANT TO F. R. CIV. 56(C)

Now comes the defendant Frank G. Cousins, Jr. and hereby moves this honorable court to allow his Motion for Summary Judgment pursuant to F. R. Civ. P. 56(C), as there are no disputed material facts and the defendant is entitled to judgment as a matter of law.

The defendant has attached a Memorandum of Law in Support of his Motion.

Defendant, Sheriff Frank G. Cousins,
By his attorneys,

/s/ Stephen C. Pfaff
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Stephen C. Pfaff BBO# 553057
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CERTIFICATE OF SERVICE

I, Stephen C. Pfaff, hereby certify that on the 17th day of June, 2005, I served the foregoing by electronic filing and causing a copy to be mailed, postage prepaid, directed to Edward J. McCormick, Esquire, Gilmore, Rees, Carlson & Cataldo, 1000 Franklin Village Drive, Franklin, MA 02038 and Joseph W. Monahan, III, Monahan & Padellaro, 43 Thorndike Street, Cambridge, MA 02141.

/s/ Stephen C. Pfaff

Stephen C. Pfaff